



**DECLARATION  
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **DEVICES AND METHODS FOR CONTROLLING INITIAL MOVEMENT OF AN ELECTROSURGICAL ELECTRODE**, the specification of which

(Check One) ☐ is attached hereto OR  
☒ was filed on November 13, 2003, as United States Application Serial No. 10/714,126.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date
60/426,030	November 13, 2002

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Duane	MIDDLE Initial W.	LAST Name MARION	
	RESIDENCE & CITIZENSHIP	City Santa Clara	State or Foreign Country California		Country of Citizenship United States
	POST OFFICE ADDRESS	3788 Hancock Drive	City Santa Clara	State or Country CA	Zip Code 95051
INVENTOR'S SIGNATURE <u>DW/M</u> DATE <u>3/2/04</u>					

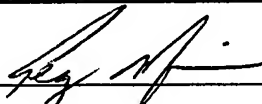
202	FULL NAME OF INVENTOR	FIRST Name George	MIDDLE Initial A.	LAST Name MORRISON	
	RESIDENCE & CITIZENSHIP	City Redwood City	State or Foreign Country California		Country of Citizenship United States
	POST OFFICE ADDRESS	3 Pilot Circle	City Redwood City	State or Country CA	Zip Code 94065
INVENTOR'S SIGNATURE _____ DATE _____					

203	FULL NAME OF INVENTOR	FIRST Name John	MIDDLE Initial A.	LAST Name SCHOLL	
	RESIDENCE & CITIZENSHIP	City Danville	State or Foreign Country California		Country of Citizenship United States
	POST OFFICE ADDRESS	14 Woodranch Circle	City Danville	State or Country CA	Zip Code 94506
INVENTOR'S SIGNATURE _____ DATE _____					

204	FULL NAME OF INVENTOR	FIRST Name Jeffrey	MIDDLE Initial A.	LAST Name SMITH	
	RESIDENCE & CITIZENSHIP	City Santa Rosa	State or Foreign Country California		Country of Citizenship United States
	POST OFFICE ADDRESS	1630 Los Olivos Road	City Santa Rosa	State or Country CA	Zip Code 95404
INVENTOR'S SIGNATURE _____ DATE _____					

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INVENTOR'S SIGNATURE <u></u> DATE <u>2/23/04</u>					

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INVENTOR'S SIGNATURE <u>John Scholl</u> DATE <u>2/23/04</u>					

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INVENTOR'S SIGNATURE <u>J.A. Smith</u> DATE <u>2/27/04</u>					